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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,925	10/01/2003	Tonia Lee	W2100/280782	9598

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EXAMINER

ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/677,925

Applicant(s)

LEE ET AL.

Examiner

Mohammad Ali

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/1/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the application filed on 10/13/06.

Claims 1-19 are pending in this Office Action.

Response to Arguments

2. After further search and a thorough examination of the present application claims 1-19 remain rejected.

Applicants' arguments with respect to claims 1-19 have been considered, but they are not deemed to be persuasive.

First, Applicant's argue that Meyer does not describe 'the intermediate server sends a unique ID associated with the server to the remote devices and requests that users of the devices associate the ID with their location'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Meyer teaches this limitation as, a given account is indicate that a PDA and a cell phone two types of electronic devices are used to access services provided by the service provider through the intermediate server. The account preferably includes information that are used to identify and/or contact an electronic device a telephone number of a cell phone corresponding to the account, para. 0061, Fig. 3, Meyer.

Second, Applicant's argue that Meyer does not describe 'the intermediate server provides a unique ID to the remote devices'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Meyer teaches this limitation as the location information are provided to the intermediate server directly from an electronic device and the device contains a if

Global Position System (GPS) receiver, or if a user manually inputs geographic location information into the device. The intermediate server can derive the information by identifying which network a device is communicating through --for example, by using well-known triangulation techniques or cellular-tower proximity information to determine where a cellular phone is transmitting from, see para. 0091, Meyer

Third, Applicant's argue that Meyer does not describe 'requesting a user to associate a unique ID received from a receiver unit with a geographic area'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Meyer teaches this limitation as remotely configuring a portable electronic device based on a geographic location of the device. The portable electronic device has an associated configuration affecting electronic communications of the device. The steps of the method occur at a remote system. At the remote system, the method receives the geographical location of the portable electronic device. The method then identifies, from a database, a set of preferences corresponding to the portable electronic device and to the geographic location of the portable electronic device. Finally, the method transmits the set of preferences to the portable electronic device; which modifies the associated configuration of the portable electronic device, thereby affecting the electronic communications of the portable electronic device, see para. 0044, Meyer.

Hence, Applicants' arguments do not distinguish over the claimed invention over the prior art of record.

In light of the foregoing arguments, the 102/103 rejections are hereby sustained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. ('Meyer' hereinafter), USPgPub 20030212684.

With respect to claim 1,

Meyer teaches a method for maintaining an association between a receiver unit and a plurality of geographic areas served by the receiver unit (Figs. 3, 9), comprising:

at installation of the receiver unit, determining the geographic areas served by the receiver unit (para. 0044, Meyer);

creating a database that associates the geographic areas served by the receiver unit with a unique ID that identifies the receiver unit (para. 0091, Meyer); and

subsequent to installation, updating the database (para. 0105, Meyer) by:

providing the unique ID that identifies the receiver unit to a plurality of end viewers served by the receiver unit (paras. 0023, 0091, Meyer);

requesting that at least one of the end viewers associate the unique ID with the geographic area associated with the end viewer (paras. 0016, 0018, Meyer);

receiving the association between the unique ID and the geographic area associated with the end viewer from the end viewer (paras. 0044, 0091, Meyer); and

updating the database (para. 0046, Meyer).

As to claim 3,

Meyer teaches wherein providing the unique ID to the end viewers, comprises: displaying the unique ID to the end viewers (para. 0062, Meyer).

As to claim 4,

Meyer teaches wherein requesting that at least one of the end viewers associate the unique ID with the geographic area associated with the end viewer (paras. 0044, 0061, Meyer), comprises:

requesting that the at least one end viewer associate the unique ID with the geographic area associated with the end viewer by providing information via a communications means selected from the group (para. 0044, Meyer) consisting of:

a web site, telephone, mail and e-mail (para. 0040, 0075, 0061, 0100, Meyer).

As to claim 5,

Meyer teaches using the database, displaying a map that identifies the geographic areas associated with each receiver unit (para. 0044, Meyer).

As to claim 6,

Meyer teaches using the geographic areas associated with the unique ID in the database to identifies demographic information associated with the geographic areas served by the receiver unit (paras. 0044, 0061 Meyer); and

associating the demographic information with the unique ID for the receiver unit in the database (para. 0075, Meyer).

As to claim 7,

Meyer teaches verifying the database by comparing the stored association between the unique and the geographic area associated with the end viewer with an association between the receive unit and an assigned geographic area (para. 0044, Meyer); and

if the association between the unique ID and the geographic area associated with the end viewer is inconsistent with the association between the receiver unit and an assigned geographic area, then updating the database by storing the association between the unique ID and the assigned geographic area in the database (paras. 0044, 0099, Meyer).

As to claim 8,

Meyer teaches wherein the association between the receiver unit and the assigned geographic area is obtained from an external database (para. 0075, Meyer).

As to claim 9,

Meyer teaches using the association in the database to provide targeted programming based on the geographic areas served by the receiver units (paras. 0098, 0075, Meyer).

Claims 10-19 have the same subject matter as of claims 1, and 3-9 and Meyer teaches at col. and essentially rejected for the same reasons as discussed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. ('Meyer' hereinafter), USPGPub 20030212684 in view of Timothy G. Nye ('Nye' hereinafter), USPGPub 20020156917.

As to claim 2,

Meyer teaches wherein the geographic areas are identified by zip codes (para. 0044, Meyer).

Meyer does not explicitly indicate the claimed zip codes.

Nye discloses zip codes (see paras. 0017, 0236).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the zip code of Nye's teaching would have allowed Meyer's system in a virtual community to create within a peer-to-peer computer network by identify peer computer connections based upon a geographically bounded region as suggested by Nye at para. 0019.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mohammad Ali
Primary Examiner
Art Unit 2166

MA
December 22, 2006